

**From:** Joseph Heck  
**To:** Microsoft ATR  
**Date:** 1/9/02 5:16pm  
**Subject:** Microsoft Settlement

To the Antitrust Division, US Department of Justice.

While I applaud the Department of Justice's efforts to settle the suit with Microsoft in a fashion that won't require eternal oversight by the courts, I am deeply concerned with some of the articles in the proposed final settlement.

In particular I believe there should be swifter and harsh penalties for Microsoft if there is any complaint from a member of the Technical Committee.

Microsoft has clearly shown in the past that it has little regard for the court's directives, which has directly led to this case, and that it's familiar with all legal standings to stall the courts of the United States in such a manner as to accomplish it's desired effects, even at some later pain to itself. Because of it's monopoly status, it can withstand significantly more derailing than many middle-ware application companies, and it could easily drive competitors in this space out of business before the courts could muster themselves to act.

It would be exceptionally worthwhile to define in the proposed remedies wether or not Internet Explorer was a part of the Operating system, simply for the purpose of defining if it is considered "microsoft middleware", and hence removable, or to have API's with which developers can communicate and interoperate.

In addition, I believe there should be some explicit mention of other middleware programs currently being subtly integrated into Microsoft's product offering: Microsoft Messenger, Windows Media Player - and which match past microsoft actions to integrate what I consider middleware technologies into the operating system. Again, the purpose would be to define wether or not these should be able to be explicitly removed or API's provided to developers for interaction.

Finally, there was some significant press regarding a punitive action against microsoft involving the court-ordered disbursement of software & hardware to support education in the United States. I believe firmly that if this action is deemed nessecary that the courts will modify the specifications of the demand such that Microsoft is required to fund the needs of educational institutions without any control over what technologies they may choose to utilitze and/or deploy. I viewed the initial reports of this disbursement with significant trepidation, as it honestly appeared to be an action which would effectively be a government sanctioned extension of the Microsoft desktop monopoly.

Thank you for reviewing my comments and taking them into consideration.

Sincerely,

Joseph Heck  
302 Garfield St.  
Seattle, WA 98109  
[joe@mu.org](mailto:joe@mu.org)